

ASSEMBLY BILL

No. 2289

Introduced by Assembly Member Sharon Runner

February 21, 2008

An act to amend Sections 1752.81, 1752.82, 1764.2, 1765, 1767, 1767.1, and 1767.9 of the Welfare and Institutions Code, relating to victims' rights.

LEGISLATIVE COUNSEL'S DIGEST

AB 2289, as introduced, Sharon Runner. Victims' rights.

Existing law provides that when an adult or a minor is committed to, or housed in, a facility of the Division of Juvenile Facilities and that person owes a restitution fine, or restitution to a victim, imposed as specified, the Chief Deputy Secretary for Juvenile Justice shall deduct the balance owing on the fine amount, or the order, as applicable, from the trust account deposits of the ward, up to a specified amount, and transfer that amount to the California Victim Compensation and Government Claims Board for deposit in the Restitution Fund in the State Treasury. If an adult or minor is committed to, or housed in, a juvenile justice facility, and he or she owes restitution to a victim or a restitution fine imposed as specified, existing law authorizes, but does not require, the chief deputy secretary, to deduct a reasonable amount not to exceed 50% from the wages of that person and transfer that amount for deposit in the Restitution Fund if that person owes a restitution fine or, in the case of a restitution order and upon the request of the victim, pay that amount directly to the victim. Existing law requires the sentencing court or the committing court, as applicable, to be provided with a record of the payments, as specified.

This bill would revise those provisions to require that the sentencing court or the committing court, as applicable, be provided with a record of any payments upon discharge or full payment of the victim restitution or restitution fine, or both, as specified. The bill would authorize the chief deputy secretary to deduct the balance owed, rather than a reasonable amount, on a restitution order or a restitution fine up to a maximum of 50% of the deposit. The bill would delete the requirement that the victim request payment of restitution in the case of a restitution order.

Existing law generally provides for the confidentiality of juvenile records and proceedings, except as specified. Existing law authorizes a crime victim, or his or her next of kin if the victim has died or is a minor, to receive written notice of any hearing to consider the release on parole of a person under the control of the Division of Juvenile Justice at least 30 days before the hearing, and to speak last before the board at the parole hearing. Existing law authorizes a victim to designate support persons to attend a proceeding if the victim is unable to attend in order to provide information about the impact of the crime on the victim, but requires that the representative be legal counsel for the victim or a family or household member of the victim. Existing law requires the board to consider the victim's statements, as specified. These provisions may not be amended except by statute passed by a $\frac{2}{3}$ vote.

This bill would revise, recast, and expand these provisions. The bill would require the Department of Corrections and Rehabilitation to release specified information to a victim or other persons, as specified. The bill would specify the information and the content of the notices that must be provided to a victim or other persons, as specified. The bill would also authorize the department to release other information to those persons upon request. The bill would delete the restrictions described above regarding persons who may be the victim's designee. The bill would allow the board to limit, for safety purposes, the number of persons who may be accommodated at the hearings and would define the term "proceeding" for purposes of these provisions. The bill would make other technical and conforming changes.

Vote: $\frac{2}{3}$. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 1752.81 of the Welfare and Institutions
2 Code is amended to read:

3 1752.81. (a) Whenever the Chief Deputy Secretary for Juvenile
4 Justice has in his or her possession in trust funds of a ward
5 committed to the division, the funds may be released for any
6 purpose when authorized by the ward. When the sum held in trust
7 for any ward by the Chief Deputy Secretary for Juvenile Justice
8 exceeds five hundred dollars (\$500), the amount in excess of five
9 hundred dollars (\$500) may be expended by the chief deputy
10 secretary pursuant to a lawful order of a court directing payment
11 of the funds, without the authorization of the ward thereto.

12 (b) Whenever an adult or minor is committed to or housed in a
13 Division of Juvenile Facilities facility and he or she owes a
14 restitution fine imposed pursuant to Section 13967 of the
15 Government Code, as operative on or before September 28, 1994,
16 or Section 1202.4 or 1203.04 of the Penal Code, as operative on
17 or before August 2, 1995, or pursuant to Section 729.6, 730.6 or
18 731.1, as operative on or before August 2, 1995, the Chief Deputy
19 Secretary for Juvenile Justice shall deduct the balance owing on
20 the fine amount from the trust account deposits of a ward, up to a
21 maximum of 50 percent of the total amount held in trust, unless
22 prohibited by federal law. The chief deputy secretary shall transfer
23 that amount to the California Victim Compensation and
24 Government Claims Board for deposit in the Restitution Fund in
25 the State Treasury. Any amount so deducted shall be credited
26 against the amount owing on the fine. The sentencing court shall
27 be provided a record of the payments *upon discharge or full*
28 *payment of the restitution fine.*

29 (c) Whenever an adult or minor is committed to, or housed in,
30 a Division of Juvenile Facilities facility and he or she owes
31 restitution to a victim imposed pursuant to Section 13967 of the
32 Government Code, as operative on or before September 28, 1994,
33 or Section 1202.4 or 1203.04 of the Penal Code, as operative on
34 or before August 2, 1995, or pursuant to Section 729.6, 730.6, or
35 731.1, as operative on or before August 2, 1995, the Chief Deputy
36 Secretary for Juvenile Justice shall deduct the balance owing on
37 the order amount from the trust account deposits of a ward, up to
38 a maximum of 50 percent of the total amount held in trust, unless

1 prohibited by federal law. The chief deputy secretary shall transfer
2 that amount directly to the victim. If the restitution is owed to a
3 person who has filed an application with the Victims of Crime
4 Program, the chief deputy secretary shall transfer that amount to
5 the California Victim Compensation and Government Claims
6 Board for direct payment to the victim or payment shall be made
7 to the Restitution Fund to the extent that the victim has received
8 assistance pursuant to that program. The sentencing court shall be
9 provided a record of the payments ~~made to victims and of the~~
10 ~~payments deposited to the Restitution Fund pursuant to this~~
11 ~~subdivision upon discharge or full payment of victim restitution.~~

12 (d) Any compensatory or punitive damages awarded by trial or
13 settlement to a minor or adult committed to the Division of Juvenile
14 Facilities in connection with a civil action brought against any
15 federal, state, or local jail or correctional facility, or any official
16 or agent thereof, shall be paid directly, after payment of reasonable
17 attorney's fees and litigation costs approved by the court, to satisfy
18 any outstanding restitution orders or restitution fines against the
19 minor or adult. The balance of any award shall be forwarded to
20 the minor or adult committed to the Division of Juvenile Facilities
21 after full payment of all outstanding restitution orders and
22 restitution fines subject to subdivision (e). The Division of Juvenile
23 Facilities shall make all reasonable efforts to notify the victims of
24 the crime for which the minor or adult was committed concerning
25 the pending payment of any compensatory or punitive damages.
26 This subdivision shall apply to cases settled or awarded on or after
27 April 26, 1996, pursuant to Sections 807 and 808 of Title VIII of
28 the federal Prison Litigation Reform Act of 1995 (P.L. 104-134;
29 18 U.S.C. Sec. 3626 (Historical and Statutory Notes)).

30 (e) The chief deputy secretary shall deduct and retain from the
31 trust account deposits of a ward, unless prohibited by federal law,
32 an administrative fee that totals 10 percent of any amount
33 transferred pursuant to subdivision (b) and (c), or 5 percent of any
34 amount transferred pursuant to subdivision (d). The chief deputy
35 secretary shall deposit the administrative fee moneys in a special
36 deposit account for reimbursing administrative and support costs
37 of the restitution and victims program of the Division of Juvenile
38 Facilities. The chief deputy secretary, at his or her discretion, may
39 retain any excess funds in the special deposit account for future
40 reimbursement of the division's administrative and support costs

for the restitution and victims program or may transfer all or part of the excess funds for deposit in the Restitution Fund.

(f) When a ward has both a restitution fine and a restitution order from the sentencing court, the Division of Juvenile Facilities shall collect the restitution order first pursuant to subdivision (c).

(g) Notwithstanding subdivisions (a), (b), and (c), whenever the Chief Deputy Secretary for Juvenile Justice holds in trust a ward's funds in excess of five dollars (\$5) and the ward cannot be located, after one year from the date of discharge, absconding from the Division of Juvenile Facilities supervision, or escape, the Division of Juvenile Facilities shall apply the trust account balance to any unsatisfied victim restitution order or fine owed by that ward. If the victim restitution order or fine has been satisfied, the remainder of the ward's trust account balance, if any, shall be transferred to the Benefit Fund to be expended pursuant to Section 1752.5. If the victim to whom a particular ward owes restitution cannot be located, the moneys shall be transferred to the Benefit Fund to be expended pursuant to Section 1752.5.

SEC. 2. Section 1752.82 of the Welfare and Institutions Code is amended to read:

1752.82. (a) Whenever an adult or minor is committed to or housed in a ~~Youth Authority~~ *Department of Corrections and Rehabilitation, Division of Juvenile Facilities* facility and he or she owes restitution to a victim or a restitution fine imposed pursuant to Section 13967, as operative on or before September 28, 1994, of the Government Code, or Section 1202.4 of the Penal Code, or Section 1203.04, as operative on or before August 2, 1994, of the Penal Code, or pursuant to Section 729.6, as operative on or before August 2, 1995, Section 730.6 or 731.1, as operative on or before August 2, 1995, the ~~director may~~ *chief deputy secretary shall* deduct ~~a reasonable amount not to exceed 50 percent from the wages of that adult or minor~~ *the balance owed on a restitution order or fine from the wages of the offender up to a maximum of 50 percent of the deposit* and the amount so deducted, exclusive of the costs of administering this section, which shall be retained by the ~~director~~ *chief deputy secretary*, shall be transferred to the California Victim Compensation and Government Claims Board for deposit in the Restitution Fund in the State Treasury in the case of a restitution fine, or, in the case of a restitution order, ~~and upon the request of the victim,~~ shall be

1 paid directly to the victim. Any amount so deducted shall be
2 credited against the amount owing on the fine or to the victim. The
3 committing court shall be provided a record of any payments *upon*
4 *discharge or full payment of any restitution order or fine, or both,*
5 *as applicable.*

6 (b) A victim who has requested that restitution payments be
7 paid directly to him or her pursuant to subdivision (a) shall provide
8 a current address to the ~~Youth Authority~~ *Department of Corrections*
9 *and Rehabilitation* to enable the ~~Youth Authority~~ *department* to
10 send restitution payments collected on the victim's behalf to the
11 victim.

12 (c) In the case of a restitution order, whenever the victim has
13 died, cannot be located, or has not requested the restitution
14 payment, the ~~director~~ *chief deputy secretary* may deduct a
15 reasonable amount not to exceed 50 percent of the wages of that
16 adult or minor and the amount so deducted, exclusive of the costs
17 of administering this section, which shall be retained by the ~~director~~
18 *chief deputy secretary*, shall be transferred to the California Victim
19 Compensation and Government Claims Board, pursuant to
20 subdivision (d), after one year has elapsed from the time the ward
21 is discharged by the ~~Youth Authority~~ *Board of Parole Hearings*.
22 Any amount so deducted shall be credited against the amount
23 owing to the victim. The funds so transferred shall be deposited
24 in the Restitution Fund.

25 (d) If the ~~Youth Authority~~ *Department of Corrections and*
26 *Rehabilitation* has collected restitution payments on behalf of a
27 victim, the victim shall request those payments no later than one
28 year after the ward has been discharged by the ~~Youth Authority~~
29 *Board of Parole Hearings*. Any victim who fails to request those
30 payments within that time period shall have relinquished all rights
31 to the payments, unless he or she can show reasonable cause for
32 failure to request those payments within that time period.

33 (e) The ~~director~~ *chief deputy secretary* shall transfer to the
34 California Victim Compensation and Government Claims Board
35 all restitution payments collected prior to the effective date of this
36 section on behalf of victims who have died, cannot be located, or
37 have not requested restitution payments. The California Victim
38 Compensation and Government Claims Board shall deposit these
39 amounts in the Restitution Fund.

(f) For purposes of this section, “victim” includes a victim’s immediate surviving family member, on whose behalf restitution has been ordered.

SEC. 3. Section 1764.2 of the Welfare and Institutions Code is amended to read:

1764.2. (a) *In recognition of the civil and moral duty of victims and witnesses of crime to fully and voluntarily cooperate with law enforcement and prosecutorial agencies, and in further recognition of the continuing importance of this citizen cooperation to state and local law enforcement efforts and the general effectiveness and well-being of the criminal justice system of this state, the Legislature declares its intent, in the enactment of this article to ensure that all victims and witnesses of crime are treated with dignity, respect, courtesy, and sensitivity. It is the further intent that the rights enumerated in this article relating to victims and witnesses of crime are honored and protected by law enforcement agencies, prosecutors, and judges in a manner no less vigorous than the protections afforded criminal defendants. It is the intent of the Legislature to add to this article references to new rights when, or as soon as possible after, those rights are created. The failure to enumerate in this article a right which is enumerated elsewhere in the law shall not be deemed to diminish the importance or enforceability of that right.*

(b) *As used in this article, the following definitions shall apply:*

(1) *“Crime” means an act committed in this state which, if committed by a competent person, would constitute a misdemeanor or felony.*

(2) *“Victim” means a person against whom a crime has been committed.*

(3) *“Proceeding” means an annual case review or a parole consideration hearing.*

(4) *“Witness” means any person who has testified or is expected to testify for the prosecution, or who, by reason of having relevant information, is subject to call or likely to be called as a witness for the prosecution, regardless of whether any action or proceeding has yet been commenced.*

(c) ~~Notwithstanding any other provision of law, the director or the director’s designee shall release the information described in Section 1764 regarding a person committed to the Youth Authority for an offense described in subdivision (a) of Section 676, or an~~

~~1 offense described in Section 273.5, 288, or 646.9 of the Penal
2 Code, to the victim of the offense, the next of kin of the victim, or
3 his or her representative as designated by the victim or next of kin
4 pursuant to Section 1767, upon request, unless the court has ordered
5 confidentiality under subdivision (c) of Section 676. The victim
6 or the next of kin shall be identified by the court or the probation
7 department in the offender's commitment documents before the
8 director is required to disclose this information.~~

~~9 (b) The director or the director's designee shall, with respect to
10 persons committed to the Youth Authority, including persons
11 committed to the Department of Corrections who have been
12 transferred to the Youth Authority, for an offense described in
13 subdivision (a) of Section 676, or an offense described in Section
14 273.5, 288, or 646.9 of the Penal Code, inform each victim of that
15 offense, the victim's next of kin, or his or her representative as
16 designated by the victim or next of kin pursuant to Section 1767,
17 of his or her right to request and receive information pursuant to
18 subdivision (a) and Section 1767., the Department of Corrections
19 and Rehabilitation staff may release any of the following
20 information regarding an offender housed in a facility of the
21 Department of Corrections and Rehabilitation, Division of Juvenile
22 Facilities, to the victim, the victim's next of kin, a witness, or the
23 victim's designee upon request.~~

- ~~24 (1) Offender's name, aliases, and birth date.~~
- ~~25 (2) Court of commitment.~~
- ~~26 (3) County of commitment.~~
- ~~27 (4) Date of commitment.~~
- ~~28 (5) Available confinement time.~~
- ~~29 (6) Available jurisdiction time.~~
- ~~30 (7) Commitment offense and any other adjudicated offenses.~~
- ~~31 (8) Any location where the offender is or was confined.~~
- ~~32 (9) Transfer to and from any location where the offender is or
33 was confined.~~
- ~~34 (10) Earliest possible release date.~~
- ~~35 (11) Date the offender was released to parole.~~
- ~~36 (12) Upcoming dates and changes in dates related to an annual
37 case review or progress review.~~
- ~~38 (13) Upcoming dates and changes in dates related to parole
39 hearings.~~

1 (14) *Upcoming dates and changes in dates related to parole or*
2 *confinement time release.*

3 (15) *Upcoming changes in the offender's release date.*

4 (16) *Out of custody furlough status.*

5 (17) *The date the person was discharged from the jurisdiction*
6 *of the Department of Corrections and Rehabilitation, Division of*
7 *Juvenile Facilities, and the basis for the discharge.*

8 (18) *Escape and apprehension from any facility of the*
9 *Department of Corrections and Rehabilitation, Division of Juvenile*
10 *Facilities assigned placement.*

11 (19) *Release, release status, and supervising agency, including*
12 *contact information.*

13 (20) *County of release.*

14 (21) *Special parole conditions for no contact with victim or*
15 *victims.*

16 (22) *Parole status.*

17 (23) *Date of parole revocation.*

18 (24) *Date of parole revocation Morrissey hearing.*

19 (25) *Parole revocation offense or violation behavior.*

20 (26) *Registration requirements.*

21 (27) *Immigration status.*

22 (28) *Appeals and outcomes.*

23 (29) *Offender death.*

24 (d) *The provisions of this section shall not be construed to*
25 *authorize the release of any of the following information:*

26 (1) *Information that may place any individual in personal peril.*

27 (2) *Information that may threaten Department of Corrections*
28 *and Rehabilitation security.*

29 (3) *Information that is exempt from disclosure pursuant to the*
30 *Public Records Act (Chapter 3.5 (commencing with Section 6250)*
31 *of Division 7 of Title 1 of the Government Code).*

32 SEC. 4. Section 1765 of the Welfare and Institutions Code is
33 amended to read:

34 1765. (a) Except as otherwise provided in this chapter, the
35 Department of the ~~Youth Authority~~ *Corrections and Rehabilitation,*
36 *Division of Juvenile Facilities* and the ~~Youth Authority~~ *Board of*
37 *Parole Hearings* shall keep under continued study a person in their
38 control and shall retain him or her, subject to the limitations of
39 this chapter, under supervision and control so long as in their
40 judgment that control is necessary for the protection of the public.

(b) The board shall discharge that person as soon as in its opinion there is reasonable probability that he or she can be given full liberty without danger to the public.

SEC. 5. Section 1767 of the Welfare and Institutions Code is amended to read:

1767. (a) Upon request, *the Division of Juvenile Facilities shall send to the victim, or the victim's next of kin or designee,* written notice ~~of any hearing to consider the release on parole of any person under the control of the Youth Authority for the commission of a crime or committed to the authority as a person described in Section 602 shall be sent by the Department of the Youth Authority at least 30 days before the hearing to any victim of a crime committed by the person, or to the next of kin of the victim if the victim has died or is a minor. The requesting party shall keep the board apprised of his or her current mailing address.~~ *following events:*

(b) ~~Any one of the following persons may appear, personally or by counsel, at the hearing:~~

(1) ~~The victim of the offense and one support person of his or her choosing.~~

(2) ~~In the event that the victim is unable to attend the proceeding, two support persons designated by the victim may attend to provide information about the impact of the crime on the victim.~~

(3) ~~If the victim is no longer living, two members of the victim's immediate family may attend.~~

(4) ~~If none of those persons appear personally at the hearing, any one of them may submit a statement recorded on videotape for the board's consideration at the hearing. Those persons shall also have the right to submit a written statement to the board at least 10 days prior to the scheduled hearing for the board's consideration at the hearing.~~

(c) ~~The board, in deciding whether to release the person on parole, shall consider the statements of victims, next of kin, or statements made on their behalf pursuant to this section and shall include in its report a statement of whether the person would pose a threat to public safety if released on parole. The~~

(1) Upcoming dates related to annual case reviews.

(2) Upcoming dates related to parole consideration hearings.

(3) Upcoming dates and changes related to the offender's release.

1 ***(b) Upon request, the Division of Juvenile Facilities shall send***
2 ***to the victim, or the victim's next of kin or designee, written notice***
3 ***within 30 days after the following events:***

- 4 ***(1) Changes related to parole consideration dates.***
5 ***(2) Changes related to offender's release dates.***
6 ***(3) Transfers between any facility of the Division of Juvenile***
7 ***Facilities, assigned placement, or parole office.***
8 ***(4) Parole release granted.***
9 ***(5) Out of custody furlough granted.***
10 ***(6) Department of Corrections and Rehabilitation discharge***
11 ***granted.***
12 ***(7) Escape and apprehension from any Department of***
13 ***Corrections and Rehabilitation institution or assigned placement.***
14 ***(8) Release, release status, and supervising agency.***
15 ***(9) Offender's death.***

16 ***(c) With respect to any person who has been convicted of***
17 ***committing an offense listed in Section 667.5 or subdivision (e) of***
18 ***Section 1202.1, the Department of Corrections and Rehabilitation,***
19 ***Division of Juvenile Facilities shall, upon request, send to the***
20 ***victim, or the victim's next of kin or designee, the following***
21 ***information 45 days before the proposed release date:***

- 22 ***(1) Proposed release date and any changes.***
23 ***(2) Notice of the community in which the offender is scheduled***
24 ***to reside upon release and any changes in the delegation of the***
25 ***community in which the offender is to reside upon release.***

26 ***(d) The provisions of this section shall not be amended by the***
27 ***Legislature except by statute passed in each house by rollcall vote***
28 ***entered in the journal, two-thirds of the membership concurring,***
29 ***or by a statute that becomes effective only when approved by the***
30 ***electors.***

31 ~~***(d) A representative designated by the victim or the victim's***~~
32 ~~***next of kin shall be either that person's legal counsel or a family***~~
33 ~~***or household member of the victim, for the purposes of this section.***~~

34 ~~***(e) Support persons may only provide information about the***~~
35 ~~***impact of the crime on the victim and provide physical and***~~
36 ~~***emotional support to the victim or the victim's family.***~~

37 ~~***(f) Nothing in this section shall prevent the board from excluding***~~
38 ~~***a victim or his or her support person or persons from a hearing.***~~
39 ~~***The board may allow the presence of other support persons under***~~
40 ~~***particular circumstances surrounding the proceeding.***~~

SEC. 6. Section 1767.1 of the Welfare and Institutions Code is amended to read:

1767.1. At least 30 days before the ~~Youth Authority~~ Board of Parole Hearings meets to review or consider the parole of any person who has been committed to the control of the Department of the ~~Youth Authority~~ Corrections and Rehabilitation, Division of Juvenile Facilities for the commission of any offense described in subdivision (b), paragraph (2) of subdivision (d), or subdivision (e) of Section 707, or for the commission of an offense in violation of paragraph (2) of subdivision (a) of Section 262 or paragraph (3) of subdivision (a) of Section 261 of the Penal Code, the ~~board~~ Division of Juvenile Facilities shall send written notice of the hearing to each of the following persons: the judge of the court that committed the person to the ~~authority~~ department, the attorney for the person, the district attorney of the county from which the person was committed, and the law enforcement agency that investigated the case, and the victim pursuant to Section 1767. The ~~board~~ Division of Juvenile Facilities shall also send a progress report regarding the ward to the judge of the court that committed the person at the same time it sends the written notice to the judge.

Each of the persons so notified shall have the right to submit a written statement to the board at least 10 days prior to the decision for the board's consideration. Nothing in this subdivision shall be construed to permit any person so notified to attend the hearing. With respect to the parole of any person over the age of 18 years, the presiding officer of the board shall state findings and supporting reasons for the decision of the board. The findings and reasons shall be reduced to writing, and shall be made available for inspection by members of the public no later than 30 days from the date of the decision.

SEC. 7. Section 1767.9 of the Welfare and Institutions Code is amended to read:

1767.9. ~~Any person authorized to appear at a parole hearing pursuant to Section 1767 shall have the right to speak last before the board in regard to those persons appearing and speaking~~ (a) A victim, or his or her next of kin or designee, may do the following:

(1) Upon request, attend a Department of Corrections and Rehabilitation proceeding.

(2) Appear and present an impact statement at a Department of Corrections and Rehabilitation proceeding. The impact

1 *statement may only address the impact of the crime. For safety*
2 *purposes, the number of people accommodated in a proceeding*
3 *may be limited by the Department of Corrections and*
4 *Rehabilitation, Board of Parole Hearings. Support persons may*
5 *only provide emotional support to the victim, and the victim's next*
6 *of kin or designee.*

7 *(3) Be the last person to speak before the board at a parole*
8 *hearing. Nothing in this section shall prohibit the person presiding*
9 *at the hearing from taking any steps he or she deems appropriate*
10 *to ensure that only accurate and relevant statements are considered*
11 *in determining parole suitability as provided in law, including, but*
12 *not limited to, the rebuttal of inaccurate statements made by any*
13 *party.*

14 *(4) At least 10 days prior to a proceeding, submit to the*
15 *Department of Corrections and Rehabilitation written, audiotaped,*
16 *videotaped, CD, or DVD statements providing information about*
17 *the impact of the crime.*

18 *(b) The Board of Parole Hearings, in deciding whether to*
19 *release the person on parole, shall consider the statements of the*
20 *victim, and the victim's next of kin and designee, pursuant to this*
21 *section, and shall include in its report a statement of whether the*
22 *person would pose a threat to public safety if released on parole.*

23 *(c) Nothing in this section shall prevent the exclusion of a victim,*
24 *or his or her next of kin, designee, or support person, from a*
25 *proceeding.*